IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION Nos.16514, 16515, 16636 AND 16790 OF 2005

WRIT PETITION No.16514 OF 2005

BETWEEN:

G.Lakshmi Narasaiah, S/o.G.Penchalaiah,

Aged 56 years, Working as Deputy Executive Engineer

RWS (PR) Division, Lakkireddy Palli, Kadapa Dist.

..... PETITIONER

AND

The State of Andhra Pradesh,

Rep by its Special Chief Secretary to Government,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

WRIT PETITION No.16515 OF 2005

BETWEEN:

C.Anandam, S/o.Ch.Buchiraj, Aged 46 years,

Working as In-charge Executive Engineer

RWS (PR) Division, Gadwal, Mahaboob Nagar Dist.

..... PETITIONER

AND

The State of Andhra Pradesh,

Rep by its Special Chief Secretary to Government,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

WRIT PETITION No.16636 OF 2005

BETWEEN:

S.Gopal Reddy, S/o.Late Narsimha Reddy, aged 57 years,

Working as In-charge Executive Engineer

Panchayat Raj Division, Karimnagar, and others.

..... PETITIONERS

AND

The State of Andhra Pradesh,

Rep by its Special Chief Secretary to Government,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

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WRIT PETITION No.16790 OF 2005

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BETWEEN:

Ch.Venkata Ramaiah, S/o.Ch.Venkateswara Rao,

Aged 45 years, Working as Dy. Executive Engineer

Panchayat Raj, Ongole, Prakasham District, and others

..... PETITIONERS

AND

The State of Andhra Pradesh,

Rep by its Special Chief Secretary to Government,

Panchayat Raj & Rural Development Department,

Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

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C O M M O N O R D E R

(Per Sri Justice J.Chelameswar)

Aggrieved by the decision of the A.P. Administrative Tribunal dated 9th December, 2003 in O.A.No.9800 of 2001 and batch the present batch of writ petitions is filed by some of the employees of the State of Andhra Pradesh working in the Panchayat Raj Department with the leave of this Court granted on 26.07.2005. As such, the writ petitions are heard together.

By the order referred to above, the A.P. Administrative Tribunal declared that the Rules framed under G.O.Ms.No.662, Panchayat Raj & Rural Development (Estt.III) Department, dated 24.11.1987 are invalid in view of a Full Bench decision of this Court reported in ***U.GOVINDA RAO V/s. GOVERNMENT OF A.P.***. However, the Tribunal gave a further declaration that such a judgment is only prospective in operation for the various reasons mentioned in the judgment. Challenging the correctness of the decision of the Tribunal insofar as it gave further declaration that the judgment is only prospective in operation, some other writ petitions have already been filed and are pending in this Court. It appears some interim orders were also passed in those writ petitions.

In substance, the dispute is that the Government of Andhra Pradesh by G.O.Ms.No.662 referred to earlier, made an amendment to the A.P. Panchayat Raj Engineering Service Rules providing that weightage must be given to the service rendered by those employees of the State of A.P. who were recruited as Supervisors and who acquired certain qualifications which under the law permitted them to be appointed as Assistant Executive Engineers.

The petitioners herein are some of those persons who availed the benefit of the amended

Rules vide G.O.Ms.No.662, and therefore, they filed the present batch of writ petitions.

It appears that subsequent to the said decision of the Tribunal, the first respondent issued proceedings dated 18.06.2005 proposing to revise the existing seniority list in the cadre of Assistant Executive Engineers and called upon all those who are likely to be affected by such revision, to submit their objections, if any. The relevant portion of the communication reads as follows:

> " Keeping in view the various court directions of Hon'ble Supreme Court of India/Hon'ble High Court of Andhra Pradesh/Hon'ble APAT, Hyderabad mentioned in the reference cited, the revised provisional seniority list of Assistant Executive Engineers in supercession of the earlier seniority lists of Assistant Executive Engineers of Zone-IV published so-far, is herewith communicated to all the concerned with a request to treat this as notice and file their objections if any on the ranking assigned to them in the provisional seniority list substanting their claim within (15) days from the date of receipt of this memo, failing which it will be construed that they have no objections for their placements in the provisional seniority list and further action will be taken confirming this seniority list. Any objections filed after the stipulated time will not be entertained."

It is rightly pointed out by the learned counsel for the petitioners that the order of the A.P. Administrative Tribunal dated 9th December, 2003 in O.A.No.9800 of 2001 etc. did not contain any direction to review the existing seniority list in the cadre of Assistant Executive Engineers. The respondents in their own wisdom thought it fit to embark upon such an exercise. Such an exercise might be legally permissible or impermissible, we do not wish to express any opinion in the present batch of writ petitions. Assuming for the sake of argument that such an exercise is not permissible, in our view, the petitioners cannot approach this Court as a Court of first instance and challenge the proposal of the State of Andhra Pradesh to revise the existing seniority list. The law is well settled in a case reported in ***L.CHANDRA KUMAR V/s. UNION OF INDIA.*** The Forum for ventilating the grievance of the petitioners is elsewhere.

The writ petitions, in our view, are not maintainable and therefore dismissed at the stage of admission.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

18TH August, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

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WRIT PETITION Nos.16514, 16515,

16636 AND 16790 OF 2005

C O M M O N O R D E R

(Per Sri Justice J.Chelameswar)

18TH August, 2005